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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,280	03/12/2004	Thomas S. Neal	200314060-1	1301

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

WRIGHT, INGRID D

ART UNIT	PAPER NUMBER
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2835

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/800,280

Applicant(s)

NEAL ET AL.

Examiner

Ingrid Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14 and 16-22 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>2/6/07</u> |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Drawings Objections.

2. The drawings are objected to because the fig. 2 of the drawings of the instant application, illustrates element numbers (32), (38), (50) & (48) pointing to the same location. It is unclear which element is distinguished by (32), (38), (50) & (48).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-12 & 14 & 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by anticipated by Kaminski US 5400902.

Note: Figures 2,3 & 5 of Kaminski, of the last Office Action, dated 4/24/06, still holds and represents claimed limitations in the instant application.

Note: In regards to the claimed limitations: a post comprising a body, and the body comprising first and second components of the instant application, the Prior Art Kaminski details a post (36) comprising a

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body (see, body of post (36)), the body (see, body of post (36)) comprises first and second components (see, green notation on attached fig. 2,3 & 5 of Kaminski).

Re claim 1, Kaminski teaches a post (36) (see, Abstract of Kaminski) for retaining an item (31) in a storage compartment (20) having a side (unlabeled), the post (36) comprising: a body (see, body of components (36)) operable to hold the item (31); and a coupling element (34) operable to couple the body (see, body of components (36)) to the side (unlabeled) (see, fig. 3 & 5 for example) of the storage compartment (20) and to allow the post (36) to be pivoted as shown by two different positions (see, for example, fig. 3 for a first position & fig. 5 for a second position).

Re claim 2, Kaminski teaches wherein the body (see, body of components (36)) is releasably fastened (via a button (32)) to the side (unlabeled) of the storage compartment (20).

Re claim 3, Kaminski teaches a body (see, body of components (36)), which pivotable (see, positions shown in fig. 3 & 5) relative to the side (unlabeled) of the storage compartment (20).

Re claim 6, Kaminski teaches the coupling element (34), which includes a protrusion (62) insertable into a hole (area of lower cover insert receptacle (28)).

Re claim 7, Kaminski teaches the coupling element (34) includes a protrusion (62) extending from the body (see, body of components (36)), and a hole (area of lower cover insert receptacle) in the side of the storage compartment (20) operable to receive the protrusion (62).

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Re claim 8, Kaminski teaches the body (see, body of components (36)) is insertable into a hole (76) of the storage disc (31).

Re claim 9, Kaminski teaches the body (see, body of components (36)) is insertable into a hole (76) of the storage disc (31), and includes a shoulder (50) to support the storage disc (31) away from the side (unlabeled).

Re claim 10, Kaminski teaches the body (see, body of components (36)) which includes a first component (see, green notation on attached fig. 5) and a second component (see, green notation on attached fig. 5), and the coupling element (34) includes: a first element operable (34) to couple the first component (see, green notation on attached fig. 5) to the side of the storage compartment (20) and to allow the first component (see, green notation on attached fig. 5) to be positioned relative to the side (unlabeled) in at least two different positions (as, shown in fig. 3 & 5), and a second element operable (34) to couple the second component (see, green notation on attached fig. 5) to the side (unlabeled) of the storage (20) and to allow the second component (see, green notation on attached fig. 5) to be positioned relative to the side (unlabeled) in at least two different positions (as shown in fig. 3 & 5).

Re claim 11, Kaminski teaches a storage compartment (20) comprising a bottom (unlabeled) and a sidewall (not shown in figs, but details an interior with components inside a storage compartment (20) (see, fig. 3 & 5), and a post (36) to be pivoted and operable to retain a storage disc (31), and including, a body (see, body of components (36)) operable to engage the storage disc (31); and a coupling element (34) operable to couple the body (see, body of components (36)) to the bottom (unlabeled) of the storage compartment (20) and to allow the body (see, body of components (36)) to be positioned relative to the bottom (unlabeled) in at least two different positions as shown in fig. 3 & fig. 5).

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Re claim 12, Kaminski teaches wherein one position of the body (see, body of components (36)) extends from the bottom (unlabeled) into the interior (interior region of lower cover insert tray (28)) substantially perpendicular to the bottom (unlabeled).

Regarding the method claims 14 & 16-20, the method steps recited in the claims are inherently necessitated by the device structure as taught by Kaminski. Kaminski discloses pivoting a body (see, body of components (36)) positioned of a post (36) (see, Abstract of Kaminski) relative to a side (unlabeled) of a storage compartment (20); the body (see, body of components (36)) coupled to the side (unlabeled) by a coupling element (34) of the post (36) and engaging a hole (76) in the disc (31) with the body (see, body of components (36)), wherein the body (see, body of (36)) is retained in the position, wherein the disc (31) is supported away from the side (unlabeled), wherein the hole (76) in the disc (31) disengaged from the body (see, body of (36)); wherein the body (see, body of components (36)) positioned relative to the side (unlabeled); and another item (31) is placed in the storage compartment (20), wherein the body (see, body of components (36)) is positioned relative to the side (unlabeled) included the post (36) relative to the side pivoted, the body (see, body of components (36)) positioned relative to the side (unlabeled) included the body (see, body of components (36)) portion disposed below a surface of the side in a receptacle (28).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 4, 5 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaminski US 5400902.

Re claim 4, Kaminski teaches wherein the coupling element (34) is operable to retain the body (see, body of components (36)) and a locking element (78) to retain the body (see, body of components (36)) in at least one of the positions, but is silent specifically as to a coupling element, comprising a locking element. It would have been obvious to one having ordinary skill in the art to include a locking mechanism with a coupling element, over the coupling and locking element of Kaminski, in order to provide an alternate equivalent means of supporting and locking a storage disc within a storage container.

Re claim 5, Kaminski teaches at least two different positions, which includes a position where the body (see, body of components (36)) is substantially perpendicular to the side (unlabeled), and where the body (see, body of components (36)) somewhat parallel to the side (unlabeled), but is silent specifically as to the body being substantially parallel to the side. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the body substantially parallel to the side over the configuration of Kaminski, in order to provide a alternate equivalent means of coupling a disc within a storage compartment.

Re claim 22, Kaminski teaches a post for retaining an item (31) in a storage compartment (20) having a side, the post (36) comprising a body (see, body of components (36)) operable to hold the item (31) and a coupling element (34) operable to couple the body to the side of the storage compartment (20) and to allow the body to be positioned relative to the side in at least two different positions, but is silent specifically as to the coupling element including a locking element operable to retain the body in at least one of the positions. It would have been obvious to one having ordinary skill in the art to include a locking mechanism with a coupling element, over the coupling and locking element of Kaminski, in order

to provide an alternate equivalent means of supporting and locking a storage disc within a storage container.

5. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smeege, Jr. et al. US 6535379 B1 in view of Kaminski US 5400902.

Re claim 21, Smeege, Jr. et al. teaches a computer system (10) comprising a housing (20) having a storage compartment (col. 3, lines 30-35 of Smeege et al.) to retain an item (CD,DVD) and including: a bottom (bottom surface shown in fig. 2 of Smeege et al.) and a sidewall (side surface shown in fig. 2 of Smeege et al.) that define an interior (shown by recess of fig. 2 of Smeege et al.), and a post (44) operable to retain a storage disc (col. 3, lines 30-35 of Smeege et al.), and having: a body (see, body of (44)) operable to engage the storage disc and a processor (inherent) disposed in the housing (20), but is silent as to allowing the body (body of (44)) to be positioned relative to the interior in at least two different positions and a coupling element operable to couple the body to an interior of the storage compartment and the post being pivotable. Kaminiski teaches a system for retaining an item (31), which allows a body (see, body of components (36)) to be pivoted (see, two different positions of fig. 5 of Kaminski) and a coupling element (34) operable to couple the body (see, body of components (36)) of a storage compartment (20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the body and coupling element as taught by Kaminski in the invention of Smeege et al., in order to provide a control system for a storage unit.

Allowable Subject Matter

6. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening

claims. The following is an Examiner's statement of reasons for allowance: the allowability resides in the overall structure of the device as recited in dependent claim 13, and at least in part, because claim 13 recites: "wherein one position of the body is disposed in a receptacle of the bottom, below a surface of the bottom." The aforementioned limitations in combination with all remaining limitations of claim 13 are believed to render the claims and all claims dependent therefrom patentable over the art of record.

Response to Arguments

7. Applicant's arguments, filed 7/28/06, have been fully considered.

With respect to Applicant's argument, regarding the patentability of claim 1, 11, 14 & 21, the Examiner respectfully disagrees and notes that Kaminski teaches a post, which comprises a pivotable body, as shown in fig. 5 of Kaminski. Thus, all limitations of the instant application is met and not in condition for allowance.

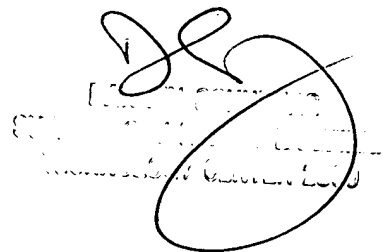
Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ingrid Wright whose telephone number is (571) 272-8392. The examiner can normally be reached on M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2800, ext 34. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IDW

A handwritten signature, possibly "IDW", is written over a circular stamp. The stamp contains some faint, illegible text, likely an official seal or date stamp.